

**BEFORE THE WEST VIRGINIA BOARD OF MEDICINE**

**WEST VIRGINIA BOARD OF MEDICINE,**

**PETITIONER,**

**v.**

**HANAN MAHMOUD TOSSON, M.D.,**

**RESPONDENT.**

**COMPLAINT AND NOTICE OF HEARING**

Now comes the Petitioner, the West Virginia Board of Medicine (“Board”) and for its Complaint against the Respondent, Hanan Mahmoud Tosson, M.D. (“Dr. Tosson”), and states as follows:

1. The Respondent, Dr. Tosson, is licensed to practice medicine in West Virginia and has been so licensed in West Virginia since 2007.
2. The Respondent’s license is identified as West Virginia License No. 22845, and the Respondent’s address of record with the Board is in Morgantown, West Virginia.
3. In January 2010, Dr. Tosson was the subject of a random audit by the Board to determine whether she had completed the required minimum number of fifty (50) hours of Continuing Medical Education (“CME”) coursework, as described in 11 CSR 6 2.2, including two (2) hours in the subject of end-of-life care and pain management, as described in W.Va. Code §30-1-7a, during the licensure period from July 1, 2007, to June 30, 2009.
4. In Dr. Tosson’s licensure renewal application for the period from July 1, 2009, to June 30, 2011, submitted to the Board and dated June 2, 2009, Dr. Tosson represented that she

had completed the required minimum number of fifty (50) hours of CME coursework, including two (2) hours of CME coursework in the subject of end-of-life care and pain management, during the preceding licensure period from July 1, 2007, to June 30, 2009.

5. The random audit revealed that Dr. Tosson failed to complete thirty (30) hours of the fifty (50) hours of approved CME coursework during the preceding licensure period from July 1, 2007, to June 30, 2009, including two (2) hours in the subject of end-of-life care and pain management, as described in W.Va. Code §30-1-7a.

6. On June 17, 2010, Dr. Tosson responded to the Complaint including a letter from the Department of Biochemistry at the West Virginia University School of Medicine indicating that Dr. Tosson had completed BMS 705, a graduate level course in cell structure and metabolism. This course is not qualified as an AMA Category I Continuing Medical Education course.

7. On September 27, 2010, the Complaint Committee sent a subpoena directing Dr. Tosson to appear before the Committee on November 7, 2010. The subpoena and cover letter were received by Dr. Tosson on September 29, 2010.

8. Dr. Tosson failed to appear on November 7, 2010, before the Complaint Committee.

### **COUNT I**

9. The Petitioner incorporates by reference paragraphs one (1) through eight (8) as fully restated herein.

10. The Respondent engaged in unprofessional conduct in violation of W.Va. Code §30-3-14(c)(17) and 11 CSR 1A 12.1 (e) and (j).

## COUNT II

11. The Petitioner incorporates by reference paragraphs one (1) through eight (8) as fully restated herein.

12. The Respondent made an incorrect statement in connection with a licensure application in violation of W.Va. Code §30-3-14(c)(1) and (17), 11 CSR 1A 12.1(a) and 11 CSR 6 4.2 and 4.4.

## COUNT III

13. The Petitioner incorporates by reference paragraphs one (1) through eight (8) as fully restated herein.

14. The Respondent failed to comply with the lawfully issued subpoena of the Board to appear before the Complaint Committee on November 7, 2010, in violation of W.Va. Code §30-3-14(c)(17) and 11 CSR 1A 12.1 (bb).

15. The continued practice by Dr. Tosson as a physician in the State of West Virginia will adversely affect the health and welfare of patients.

Accordingly, the Respondent, Dr. Tosson, is hereby notified that a hearing will be convened on April 20, 2011, at 9:00 A.M., and shall continue thereafter from day to day until completed, in the offices of the West Virginia Board of Medicine, 101 Dee Drive, Suite 103, Charleston, West Virginia. The purpose of the hearing will be to determine whether disciplinary action should be imposed upon Dr. Tosson's license to practice medicine in West Virginia. The Respondent, Dr. Tosson, must be present in person, and may be accompanied by an attorney if she desires, and may present witnesses or other evidence which she may desire to present on her behalf. Failure of Dr. Tosson to serve an answer on Petitioner Board within thirty (30) days after

service of the Complaint and Notice of Hearing upon her entitles Petitioner Board to take all of the allegations as confessed by Dr. Tosson, under provisions of 11 CSR 3 11.5(s). Dr. Tosson shall, in writing and within fifteen (15) days of receipt of this Complaint and Notice of Hearing, select as Hearing Examiner, either Anne Lambright, Esq. or Jack McClung, Esq. to preside at, and conduct, the proceedings.

Dated this 29 day of December, 2010.

WEST VIRGINIA BOARD OF MEDICINE

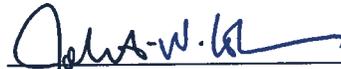
  
Reverend O. Richard Bowyer  
President

  
Catherine Slemp, M.D., M.P.H.  
Secretary

**CERTIFICATE OF SERVICE**

I, John A. W. Lohmann, Esq., counsel for Petitioner, the West Virginia Board of Medicine, do hereby certify that I have served the foregoing "Complaint and Notice of Hearing" upon Respondent, Hanan Mahmoud Tosson, M.D., by depositing a true and accurate copy thereof in an envelope and transmitting the same via certified U.S. Mail, with postage prepaid, this 29<sup>th</sup> day of December, 2010, addressed as follows:

Hanan Mahmoud Tosson, M.D.  
140 Meadowridge Drive  
Morgantown, WV 26505



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John A. W. Lohmann, Esq. (W.Va. # 6343)  
Counsel for Petitioner